

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**DANIEL LAWRENCE CHARBA,
Defendant.**

Case No. 23-CR-264-GKF

**Government's Notice of Intent to Introduce Testimony Pursuant to Rule
16(a)(1)(G) of the Federal Criminal Rules of Procedure**

The United States gives notice, pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G), of its intent to introduce testimony at trial of an expert witness, under Federal Rules of Evidence 702, 703, and/or 705: ATF Explosives Enforcement Officer Gary W. Smith.

EEO Smith performed an analysis and evaluation of the destructive devices in this case, and at trial will testify and opine consistent with his signed report. *See* Exhibit 1. The report has previously been produced to defense (Bates #000044-000046). A copy of EEO Smith curriculum vitae is also attached. *See* Exhibit 2.

The government reserves the right to question the above-listed expert witness about other matters that may be raised during cross-examination or based upon the testimony elicited from defense experts, if any, or other witnesses or evidence that defense introduces at trial. To the extent the Court allows defense the same right, the government reserves the right to elicit any additional testimony that the expert

witness is qualified to provide should the need arise based on further developments in preparing for and during the trial.

The government requests discovery pursuant to Rule 16(b) and (b)(1)(C)(i). The government reserves the right to supplement this notice as needed.

Respectfully submitted,

CLINTON J. JOHNSON
UNITED STATES ATTORNEY

/s/ Nathan E. Michel

Nathan E. Michel, KS Bar No. 25068
Assistant United States Attorney
110 West Seventh Street, Suite 300
Tulsa, Oklahoma 74119
(918) 382-2700

Certificate of Service

I hereby certify that on the 8th day of September 2023, I electronically transmitted the foregoing document to the following to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrant:

Allen Smallwood
Defense Counsel for Daniel Lawrence Charba

/s/ Nathan E. Michel

Nathan E. Michel
Assistant United States Attorney